



**State of New Hampshire**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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BERLIN EDUCATION ASSOCIATION  
  
Complainant  
  
v.  
  
BERLIN SCHOOL DISTRICT, SAU #3  
  
Respondent  
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CASE NO. T-0201:6  
  
DECISION NO. 87-21

APPEARANCES

Berlin Education Association Representative

John Fessenden, UniServ Director

Berlin School District, SAU #3

Ted Comstock, Director of Labor Relations, NHSBA  
Richard Steudle, Superintendent

BACKGROUND

The Berlin Education Association ("Association") filed a petition to modify the teacher bargaining unit to include three (3) nurses. The Association filed its petition on October 31, 1986, giving as its reasons that the nurses perform "bargaining unit work" and work under the same conditions as members of the bargaining unit.

The Berlin Board of Education ("Board") objected to the inclusion of the nurses in the teacher bargaining unit on the grounds that they were not teachers but "simply work with the teacher" and lack a community of interest with the teachers.

FINDINGS OF FACT

- 1). The nurses in question clearly work for the same employer as the teachers, within the same school hours, school year, etc., as do other non-teaching personnel.
- 2). The recognition clause of the collective bargaining agreement specifically excludes nurses and no changes in circumstance have occurred.
- 3). The nurses are not certified by the state, are not certified teachers nor are they required to be.

- 4). The nurses are RN's and clearly are "health professionals" although they do not have individual contracts as do the teachers.
- 5). The nurses take part in "School Health Assessments" (see School Board #3 and #4) involved in the placement of pupils in need of special attention.
- 6). The nurses serve as medical resource persons to teachers but the vast bulk of their work involves their medical responsibilities and they do not have a regular, daily role in the classroom or other primarily educational mission.
- 7). The nurses do not normally supervise children at recess, during bus times, etc. as teachers do.
- 8). The evaluation of nurses and teachers is significantly different, involving very different processes.
- 9). Nurses maintain medical, not educational, records and administer medical, not educational, tests.

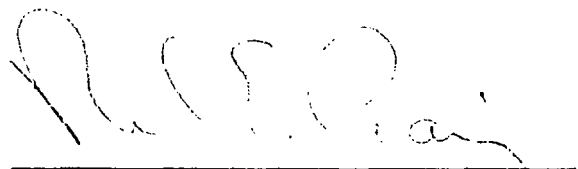
#### RULINGS OF LAW

(a) the nurses do not have a primarily educational or teaching mission within the school.

(b) the nurses are "health professionals" but not teaching or educational professionals and do not share a significant community of interest with the existing teacher bargaining unit. (see Bedford Case #83-51; Hinsdales Case #85-69).

#### DECISION

The request for modification of the Berlin Teachers bargaining unit to include the school nurses is denied on the grounds of a lack of community of interest.



ROBERT E. CRAIG, CHAIRMAN

Signed this 13<sup>th</sup> day of March 1987.

By unanimous vote. Chairman Robert E. Craig presiding, members John Andrews and Richard Molan present and voting. Also present, Evelyn C. LeBrun, Executive, Director.